

IN THE SENATE

SENATE JOINT MEMORIAL NO. 105

BY STATE AFFAIRS COMMITTEE

A JOINT MEMORIAL

TO THE SENATE AND HOUSE OF REPRESENTATIVES OF THE UNITED STATES IN CONGRESS
ASSEMBLED, AND TO THE CONGRESSIONAL DELEGATION REPRESENTING THE STATE
OF IDAHO IN THE CONGRESS OF THE UNITED STATES.

We, your Memorialists, the Senate and the House of Representatives of
the State of Idaho assembled in the Second Regular Session of the Sixty-first
Idaho Legislature, do hereby respectfully represent that:

WHEREAS, the failure of Congress to reexamine, reform and reauthorize
our nation's major environmental laws, particularly the Endangered Species
Act and the National Environmental Policy Act, has resulted in a court
takeover of species and public land management responsibilities; and

WHEREAS, Congress has failed to reclaim its constitutional role over
the management of species and public lands from overzealous federal agencies
and an activist federal judiciary; and

WHEREAS, the federal Equal Access to Justice Act continues to authorize
the expenditure of countless taxpayer funds to pay attorney's fees for the
management of federal public lands and species through the courts; and

WHEREAS, the same organizations that receive taxpayer funds for law-
suits via the Equal Access to Justice Act are forcing federal agencies,
through the courts, to vastly expand the number of protected species and
habitats regardless of whether a species has been added to the federal list-
ing for Endangered or Threatened Species or is deserving of such protection;
and

WHEREAS, the listing, or potential listing, of species including
wolves, sage grouse and slickspot peppergrass pose a direct threat to the
economic livelihood of ranchers across the State of Idaho; and

WHEREAS, the vast expansion of listed species has the potential to cause
immeasurable financial harm to the economy of Idaho and severely curtail
recreational opportunities across the state; and

WHEREAS, additional federal laws such as the National Wildlife Refuge
System Improvement Act are causing increased and unnecessary regulatory
burdens on local communities, resource users, recreationalists and the
economy of host regions; and

WHEREAS, the U.S. Fish and Wildlife Service is considering dramatic new
regulatory constraints on the enjoyment of man-made water bodies such as
Lake Lowell and Lake Walcott; and

WHEREAS, the U.S. Fish and Wildlife Service is considering new regula-
tions and constraints on hundreds of thousands of acres in Boundary and Bon-
ner Counties for caribou without adequate scientific justification; and

WHEREAS, federal authorization for the Endangered Species Act expired
on October 1, 1992; and

WHEREAS, federal, state and local governments are enjoined in constitu-
tional duty and fiduciary responsibility to provide all available remedies

1 to protect the economy, customs, culture, public safety and public health of
2 the citizenry; and

3 WHEREAS, Idaho's federal legislators have long recognized and champi-
4 oned reforms to the Endangered Species Act, the National Environmental Pol-
5 icy Act and the Equal Access to Justice Act that would limit the role of the
6 courts in the management of species and public lands and recognize the im-
7 portant role that states and local units of government should play in species
8 and land management decisions.

9 NOW, THEREFORE, BE IT RESOLVED by the members of the Second Regular Ses-
10 sion of the Sixty-first Idaho Legislature, the Senate and the House of Rep-
11 resentatives concurring therein, that we urge Congress to reexamine, reform
12 and reauthorize the Endangered Species Act, the National Environmental Pol-
13 icy Act, the Equal Access to Justice Act and any other federal law that dis-
14 respects the role of states and local governments in land management deci-
15 sions and leads to costly and frivolous lawsuits that strip authority from
16 Congress and place it in the hands of the judiciary.

17 BE IT FURTHER RESOLVED that the Senate and the House of Representatives
18 of Idaho call on the President of the United States of America to forcefully
19 direct his federal land management agencies to utilize free market princi-
20 ples such as cost-benefit analysis and peer review of the science involved in
21 their decision making and respect the concept of multiple use in the manage-
22 ment of federal lands.

23 BE IT FURTHER RESOLVED that the Senate and the House of Representatives
24 of Idaho call on our congressional delegation to urge all federal land man-
25 agement agencies to use their discretionary authority to maximize the role
26 and influence of local communities in federal land management decisions.

27 BE IT FURTHER RESOLVED that the Secretary of the Senate be, and she is
28 hereby authorized and directed to forward a copy of this Memorial to the
29 President of the Senate and the Speaker of the House of Representatives of
30 Congress, and the congressional delegation representing the State of Idaho
31 in the Congress of the United States.